

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: October 7, 1997

ANALYST: JACQUES P. ANDRE', JR

- I. COMMITTEE:
- A. Five Civilized Tribes Political Action Committee (C00321703)
Jerry Haney, Treasurer
P.O. Box 948
Tahlequah, OK 74465
 - B. Tribal Alliance for Sovereignty
Treasurer (c/o James G. Wilcoxon, Atty)
47 Timber Creek
Shawnee, OK 74801
- II. RELEVANT STATUTE:
- A. 2 U.S.C. §441a(a)(1)(A)
2 U.S.C. §441a(f)
 - B. 2 U.S.C. §§433(a) & 441a(a)(1)(C)
11 CFR §§102.1(d), 102.5(b) & 110.1(d)

III. BACKGROUND:

- A. Receipt of Apparent Impermissible and Excessive Contributions from an Unregistered Organization, and Apparent Excessive Contributions Made to Federal Candidate Committees
- B. Excessive/Impermissible Contributions Made by an Unregistered Organization; Failure to Register and Report as a Political Committee

The Five Civilized Tribes Political Action Committee (a registered committee, "Five Tribes"), received apparent excessive/impermissible contributions in the amount of \$20,000 from Tribal Alliance (an unregistered organization, "Tribal Alliance") during calendar year 1996. The receipts were reported in the 1996 30 Day Post-General Report filed by Five Tribes. Five Tribes

has not yet transferred-out or refunded the funds, and Tribal Alliance has not registered as a political committee and filed reports.

Five Tribes also made two (2) apparent excessive contributions, totalling \$8,000 to two (2) federal candidate committees during calendar year 1996. The contributions were also reported in the 1996 30 Day Post-General Report filed by Five Tribes.

The 1996 30 Day Post-General Report of Five Tribes disclosed contributions from Tribal Alliance on March 22, 1996 of \$15,000, October 31, 1996 of \$5,000, and November 1, 1996 of \$5,000. This report also disclosed contributions to Darrell Roberts for \$5,000 on August 22, 1996, and Glenn Johnson for \$5,000 on October 2, 1996, both of whom were candidates in the 1996 elections in Oklahoma (Attachment 2).

On May 23, 1997 the Reports Analysis Division ("RAD") analyst sent Tribal Alliance a Registration Notice (Attachment 3). The Notice informed Tribal Alliance that contributions in excess of \$1,000 a year qualified it as a "political committee", subject to the registration, reporting, and other requirements of the Act. Additionally, the Notice stated that the Act precludes a political committee from making contributions in excess of \$5,000 per year to another political committee. The Notice also included two options that would bring Tribal Alliance into compliance with the Act: 1) submit a Statement of Organization, file disclosure reports, and obtain a contribution refund of the amount in excess of the limitations; or 2) receive a full contribution refund or direct the recipient committee to transfer the funds to an account not used to influence federal elections.

On June 12, 1997 a Second Notice was sent to Tribal Alliance for failure to respond (Attachment 4).

On May 28, 1997, a Request for Additional Information ("RFAI") was sent to Five Tribes for the 1996 30 Day Post-General Report.* The RFAI acknowledged the contributions from an unregistered organization and informed Five Tribes that the contributions appeared to exceed the \$5,000 per calendar year limit set forth in 2 U.S.C. §441a(f). The RFAI advised Five Tribes to either refund to the donor, or transfer-out to a non-federal account, the amount in excess of \$5,000; and to determine the extent to which the committee received funds that are

* The RFAI was returned and remailed, and the Second Notice was mailed to the address of Five Tribes' attorneys: 112 North Fifth Street, P.O. Box 357, Muskegee, OK 74402.

not permissible, and refund or transfer-out the prohibited funds. The RFAI also informed Five Tribes that a committee which is not a multicandidate committee is limited to a \$1,000 contribution per candidate, per election. The RFAI recommended Five Tribes request a refund and/or redesignate the excessive portion of the contributions (Attachment 5).

On July 10, 1997, a Second Notice was sent to Five Tribes for failure to respond to the RFAI (Attachment 6).

On July 15, 1997 the RAD analyst called and left a message for Ms. Terri Springer, the reported organization contact for Tribal Alliance, regarding her organization's contributions to Five Tribes. The analyst's message indicated that a reply to the Notice sent by the Commission was urgently needed and left a message for Ms. Springer to call if she had any questions (Attachment 7).

On July 16, 1997, Jim Wilcoxon, who identified himself as the former General Counsel for Five Tribes, called the analyst. Mr. Wilcoxon wanted to know what the problems were regarding Five Tribes. The analyst explained that Five Tribes had not responded to RFAIs sent regarding the 1996 30 Day Post-General and Year End Reports. The analyst also asked if he knew anything about Tribal Alliance because it has also not responded to Notices sent by the Commission and a response was needed immediately (Attachment 8).

On July 17, 1997, Bill Anoatubby, who identified himself as the Governor of The Chickasaw Nation, called the analyst. He was calling to discuss the problems involving the committees and asked what needed to be done. The analyst explained the problem and the options. Mr. Anoatubby indicated he would get a response to the Commission as soon as possible (Attachment 9).

On July 21, 1997, the Commission received a letter from Mr. Anoatubby indicating they had hired Rabon, Wolf & Rabon as counsel regarding the Five Tribes/Tribal Alliance matter and that they would be responding to the Commission notices (Attachment 10).

On August 2, 1997, the Commission received a letter from Mr. Wilcoxon, of Wilcoxon, Wilcoxon & Primomo, on behalf of Tribal Alliance explaining that his interpretation of the relevant statutes differed with the Commission's. He stated that the statute limitations did not apply to contributions made by Indian Tribes to political action committees (Attachment 11).

On August 4, 1997, the Commission received an additional response from Mr. Wilcoxon addressing the two apparent excessive contributions to the federal candidate committees. The response states, in part, "while no attempt has been made to qualify this committee for multi-candidate status, it is not believed that there were any federal contributions in excess of limitations." (Attachment 12).

No further responses have been received from either Five Tribes or Tribal Alliance.

6264" 163" 40" 66

FEDERAL ELECTION COMMISSION
1995-1996
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 60CT97
ATTACHMENT 1 (Page 1 of 2)
PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	# OF COVERAGE DATES PAGES TYPE OF FILER	MICROFILM LOCATION
FIVE CIVILIZED TRIBES POLITICAL ACTION COMMITTEE				ID #C00321703	NON-PARTY NON-QUALIFIED
CONNECTED ORGANIZATION:					
	1996 STATEMENT OF ORGANIZATION			13AUG96	3 96FEC/071/5230
	REQUEST FOR ADDITIONAL INFORMATION			24SEP96	3 96FEC/077/0977
	REQUEST FOR ADDITIONAL INFORMATION 2ND			17OCT96	4 96FEC/094/3463
	NOTICE OF FAILURE TO FILE			13AUG96 -30SEP96	2 96FEC/127/0749
	NOTICE OF FAILURE TO FILE			10OCT96 -16OCT96	1 96FEC/127/0748
	POST-GENERAL	10,000	10,000	17OCT96 -25NOV96	17 97FEC/195/1365
	POST-GENERAL - AMENDMENT	10,000	10,000	17OCT96 -25NOV96	19 97FEC/231/3667
	NOTICE OF FAILURE TO FILE			17OCT96 -25NOV96	2 97FEC/187/3290
	REQUEST FOR ADDITIONAL INFORMATION			17OCT96 -25NOV96	7 97FEC/205/3691
	REQUEST FOR ADDITIONAL INFORMATION 2ND			17OCT96 -25NOV96	7 97FEC/213/0718
	YEAR-END	10,000	10,000	26NOV96 -31DEC96	17 97FEC/195/1348
	NOTICE OF FAILURE TO FILE			26NOV96 -31DEC96	1 97FEC/187/3289
	REQUEST FOR ADDITIONAL INFORMATION			26NOV96 -31DEC96	3 97FEC/205/3698
	REQUEST FOR ADDITIONAL INFORMATION 2ND			26NOV96 -31DEC96	4 97FEC/213/0725
	TOTAL	20,000	0	20,000	0
					90 TOTAL PAGES

All reports have been reviewed.

Ending cash-on-hand as of 12/31/96: \$3,000

Outstanding dbts and obligations owed to/by the Committee
as of 12/31/96: \$0

FEDERAL ELECTION COMMISSION
1997-1998
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 6OCT97
(Page 2 of 2)
PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
FIVE CIVILIZED TRIBES POLITICAL ACTION COMMITTEE				ID #C00321703	NON-PARTY NON-QUALIFIED	
CONNECTED ORGANIZATION:						
1997	MISCELLANEOUS REPORT TO FEC			21JUL97	2	97FEC/218/2491
	MID-YEAR REPORT	0	2,500	1JAN97 -30JUN97	16	97FEC/242/3720
	NOTICE OF FAILURE TO FILE			1JAN97 -30JUN97	2	97FEC/236/2064
	TOTAL	0	0	2,500	0	20 TOTAL PAGES

The Mid-Year Report has not been reviewed.
Ending cash-on-hand as of 6/30/97: \$2,750
Outstanding debts and obligations owed to/by
the Committee as of 6/30/97: \$0

136416314066

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Five Civilized Tribes Action Committee

<p>A. Full Name, Mailing Address and ZIP Code Tribal Alliance for Sovereignty c/o Terri Springer 47 Timber Creek Shawnee, OK 74801</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$</p>	<p>Date (month, day, year) 3/22/96</p>	<p>Amount of Each Receipt this Period -15,000.00</p>
<p>B. Full Name, Mailing Address and ZIP Code Tribal Alliance for Sovereignty c/o Terri Springer 47 Timber Creek Shawnee, OK 74801</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$</p>	<p>Date (month, day, year) 10/31/96</p>	<p>Amount of Each Receipt this Period 5,000.00</p>
<p>C. Full Name, Mailing Address and ZIP Code Tribal Alliance for Sovereignty c/o Terri Springer 47 Timber Creek, Shawnee, OK 74801</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$</p>	<p>Date (month, day, year) 11/01/96</p>	<p>Amount of Each Receipt this Period 5,000.00</p>
<p>D. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>
<p>E. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>
<p>F. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>
<p>G. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>

SUBTOTAL of Receipts This Page (optional)

25,000.00

TOTAL This Period (last page this line number only)

25,000.00

SCHEDULE B
ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page	PAGE 1	OF 1
	FOR LINE NUMBER	

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
> Five Civilized Tribes Action Committee

A. Full Name, Mailing Address and ZIP Code Darrell Roberts	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 8/22/86	Amount of Each Disbursement This Period 5,000.00
B. Full Name, Mailing Address and ZIP Code The Effect. Government	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 10/02/96	Amount of Each Disbursement This Period 1,000.00
C. Full Name, Mailing Address and ZIP Code Glenn Johnson	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 10/02/96	Amount of Each Disbursement This Period 5,000.00
D. Full Name, Mailing Address and ZIP Code Ed Crocker	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 10/02/96	Amount of Each Disbursement This Period 1,000.00
E. Full Name, Mailing Address and ZIP Code Demo. Sentational: Cai	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 10/31/96	Amount of Each Disbursement This Period 5,000.00
F. Full Name, Mailing Address and ZIP Code Demo Congressional	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 11/01/96	Amount of Each Disbursement This Period 5,000.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	22,000.00
TOTAL This Period (last page this line number only)	22,000.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 23 1997

**c/o Terri Springer, Treasurer
Tribal Alliance for Sovereignty
47 Timber Creek
Shawnee, OK 74801**

Dear Ms. Springer:

This letter is prompted by the Commission's interest in assisting committees which may be subject to the registration and reporting requirements of the Federal Election Campaign Act ("the Act") but are not registered with the Commission.

The Act defines a "political committee" to include any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures for the purpose of influencing any election for federal office aggregating in excess of \$1,000 during a calendar year. 2 U.S.C. §431(4)

In addition, the Act precludes a political committee from making a contribution to another political committee which in the aggregate exceeds \$5,000 in a calendar year. 2 U.S.C. §§441a(a)(1)(C) and (2)(C)

A review of the receipts reported by the Five Civilized Tribes Political Action Committee indicates that your organization may have made an excessive contribution to a political committee during the calendar year 1996. This activity may qualify your organization as a "political committee" subject to the registration, reporting and other requirements of the Act. A copy of the receipt schedule(s) which list your organization's contribution(s) is enclosed for your review.

In order to be in compliance with the Act, your organization must either:

- 1) submit a Statement of Organization, file disclosure reports on FEC FORM 3X, and obtain a contribution refund of the amount in excess of the limitations (relevant informational materials and forms are enclosed); or**

- 2) receive a full contribution refund or direct the recipient committee(s) to transfer the funds to an account not used to influence federal elections.

The second alternative noted above should be followed if your organization does not wish to register and file disclosure reports, or if the contributions or expenditures by your organization were from an account containing corporate or union funds.

If you believe that your organization is not a political committee, has not made excessive contributions to a federal candidate, or the Commission is otherwise in error, please submit documentation which will clarify this matter. Although the Commission may take further legal steps concerning this matter, your prompt action will be taken into consideration.

Please notify the Commission within fifteen (15) days from the date of this letter of your decision on this matter. If you have any questions, please contact me on the agency's toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,



J.P. Andre
Reports Analyst
Reports Analysis Division

251

Enclosures



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

June 12, 1997

c/o Terri Springer, Treasurer
Tribal Alliance for Sovereignty
47 Timber Creek
Shawnee, OK 74801

Dear Ms. Springer:

This is to inform you that as of this date, the Commission has not received your response to our letter dated May 23, 1997. Our letter notified you that a review of reports filed with the Commission indicates that your organization may have made expenditures which qualify it as a political committee. *Enclosed is a copy of our original letter.*

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate legal action to ensure compliance with the Act.

If you should have any questions related to this matter, please contact J.P. Andre on our toll-free number (800) 424-9530 or our local number (202) 219-3580.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Gibson".

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosure



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

MAY 28 1997

REMAIL

JUN 17 1997

Jerry Haney, Treasurer
Five Civilized Tribes Political
Action Committee
P.O. Box 948
Tahlequah, OK 74465

Identification Number: C00321703

Reference: 30 Day Post-General Report (10/17/96-11/25/96)

Dear Mr. Haney:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Political committees which have cash on hand at the time of registration must disclose the source of the funds. The balance is assumed to be composed of those contributions most recently received by the committee prior to registration. Please identify the source of these contributions on a memo Schedule A. 11 CFR §104.12

-Please provide the total(s) for Line 11(d), Column A of the Detailed Summary Page. Note that changes in your figures may affect your Column B totals on this report and/or on subsequent reports.

-Your report discloses activity that falls outside the reporting period. Please amend this report by including only the financial transactions that occurred between 10/17/96 and 11/25/96. Any activity occurring outside this reporting period should be included in the appropriate report(s). 2 U.S.C. §434(b)

-Schedule A of your report discloses a contribution(s) from an organization which is not a political committee registered with the Commission (pertinent portion(s) attached). In addition, the contribution appears to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) precludes a

**FIVE CIVILIZED TRIBES POLITICAL ACTION COMMITTEE
PAGE 2**

political committee from receiving contributions from a person or another committee in excess of \$5,000 in a calendar year. Also, in order to make contributions to your committee, organizations which are not political committees must either: 1) establish a separate account which contains only those funds permitted under the Act, or 2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution. 11 CFR §102.5(b)

If your committee does not finance non-federal activity, the receipt of the referenced contribution(s) may violate the limitations and prohibitions of 2 U.S.C. §§441a(f) and 441b. If your committee engages in both federal and non-federal activity, either through a separate non-federal account, or one account that finances activity in connection with both federal and non-federal elections, your committee may be in violation of 11 CFR §102.5(a).

In order to be in compliance with the Act, your committee must: 1) refund to the donor, or transfer-out to a non-federal account, the amount in excess of \$5,000 and 2) determine the extent to which your committee received funds that are not permissible, and refund or transfer-out the prohibited funds.

If you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor in writing and provide the contributor with the option of receiving a refund. You may wish to seek a written authorization (either before or after the transfer-out) from the donor for any transfer-out to protect the donor's interests.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for the transfer-out or refund. Should you choose to transfer-out or refund the funds, the Commission will presume the funds were impermissible, absent a statement from your committee to the contrary. Transfers-out and refunds should be disclosed on a Schedule B supporting Line 22 or 28 of the report covering the period during which they are made.

**FIVE CIVILIZED TRIBES POLITICAL ACTION COMMITTEE
PAGE 3**

Although the Commission may take further legal action concerning the acceptance of prohibited and excessive contribution(s), your prompt refund or transfer-out will be taken into consideration.

-Schedule B of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. 2 U.S.C. §441a(a) precludes a political committee, other than a multi-candidate committee, from making a contribution to a candidate for federal office in excess of \$1,000 per election. Please refer to the Campaign Guide for information on how a committee qualifies for multicandidate status.

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. If you have made an excessive contribution, you should notify the recipient and request a refund of the amount in excess of \$1,000 and/or notify the recipient in writing of your redesignation of the contribution. In the best interest of your committee, all refunds and redesignations should be made within sixty days of the treasurer's receipt of the contribution(s).

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund request sent to the candidate(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. 11 CFR §110.1(b)

Although the Commission may take further legal action regarding the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

-Your report discloses \$10,000 in disbursements. Please clarify the category of disbursements on the Detailed Summary Page of your report.

-For future filings, please note that your committee need only file the pages on which you have itemized activity. Schedules with no activity may be omitted.

**FIVE CIVILIZED TRIBES POLITICAL ACTION COMMITTEE
PAGE 4**

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,



J.P. Andre
Reports Analyst
Reports Analysis Division

251



FEDERAL ELECTION COMMISSION RQ-3
WASHINGTON, D.C. 20463

July 10, 1997

Jerry Haney, Treasurer
Five Civilized Tribes Political
Action Committee
112 North Fifth Street, P.O. Box 357
Muskegee, OK 74402

Identification Number: C00321703

Reference: 30 Day Post-General (10/17/96-11/25/96) and Year End (11/26/96-12/31/96) Reports

Dear Mr. Haney:

This letter is to inform you that as of July 9, 1997, the Commission has not received your response to our requests for additional information dated June 17, 1997. These notices request information essential to full public disclosure of your federal election campaign finances. To ensure compliance with the provisions of the Federal Election Campaign Act (the Act), please respond to these requests (copies enclosed).

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions regarding this matter, please contact J.P. Andre' on our toll-free number (800) 424-9530 or our local number (202) 219-3580.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Gibson".

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosures

TELECON:

Contact: Terri Springer
Analyst: Jacques P. Andre'
Committee: Unregistered, Tribal Alliance for Sovereignty
Date: July 15, 1997

Analyst left a message at the address listed on the recipient committee's Schedule A for Ms. Terri Springer, the contact listed on the Schedule A. The analyst's message informed the committee that no response had been received regarding the Notices sent by the Commission, that the committee should respond immediately, and left a telephone number for Ms. Springer to call if she had any questions.

TELECON:

Contact: Jim Wilcoxon
Analyst: Jacques P. Andre'
Committee: Five Civilized Tribes PAC
Date: July 16, 1997

Mr. Jim Wilcoxon called the analyst and identified himself as the former General Counsel for the Five Civilized Tribes PAC. He wanted to know what problems were outstanding regarding the committee. The analyst explained that RFAI's had been sent on both the 1996 30 Day Post-General, and Year-End Reports and no responses had been received by the Commission. The analyst explained the nature of the problems, and also asked if he was aware of Tribal Alliance for Sovereignty and if he was he should pass on the information he had just received because it was urgent that Tribal Alliance respond to the Commission's letters. The analyst also said that Five Tribes should also respond as soon as possible. He said they would.

TELECON:

Contact: Bill Anoatubby, Governor, Chickesaw Tribe

Analyst: Jacques P. Andre'

Committee: Unregistered, Tribal Alliance for Sovereignty

Date: July 17, 1997

Mr. Anoatubby, who although involved with the Cherokee Nation, is NOT an officer of either the donor or recipient committee, called to find out what had happened concerning the committees and what needed to be done. He also wanted to make it clear that the reason that there had been no responses was that there had been alot of turmoil in the Cherokee Nation. The analyst explained the problem, and the options. Mr. Anoatubby said he would send in a response.



Attachment 10

RECEIVED
FEDERAL ELECTION
COMMISSION MAIL ROOM

Jul 21 11 57 AM '97

OFFICE OF THE GOVERNOR

The Chickasaw Nation

Post Office Box 1548 • Ada, Oklahoma 74821

(405) 436-2503 • Fax (405) 436-4287

BILL ANOATUBBY
GOVERNOR

July 18, 1997

Mr. J.P. Andre, Reports Analyst
Reports Analysis Division
Federal Election Commission
999 E. Street, N.W.
Washington, DC 10463

Dear Mr. Andre:

Thank you for speaking with me yesterday by telephone regarding the Tribal Alliance for Sovereignty and the Five Civilized Tribes Political Action Committee. Since I spoke with you, I have also spoken with Mr. Bob Rabon, of Rabon, Wolf & Rabon. Mr. Rabon has agreed to assist us in correcting errors and/or in the filing of necessary forms and documents and working with you to make certain that all is done that you have requested.

Mr. Rabon will be contacting you very soon. In the meantime, if you wish to speak with him, you may contact him at Rabon, Wolf & Rabon, Post Office Box 726, Hugo, Oklahoma 74743, or by calling him at (405) 326-6427.

Your patience and understanding are appreciated.

Sincerely,

Bill Anoatubby, Governor
The Chickasaw Nation



Wilcoxon, Wilcoxon & Primomo

Attorneys at Law
112 North Fifth Street
P.O. Box 357
Muskogee, Oklahoma 74402-0357

RECEIVED
FEDERAL ELECTION
COMMISSION MAIL ROOM

Attachment 11
Page 1 of 2

Andrew Wilcoxon (1918-1985)
James G. Wilcoxon
Andrew C. (Drew) Wilcoxon
Gene V. Primomo

AUG 2 8 05 AM '97
Area Code 918
Telephone 683-6696
Fax 682-8605

July 29, 1997

Mr. J.P. Andre'
Reports Analyst
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

Re: Tribal Alliance for Sovereignty

Dear Mr. Andre':

Please accept this letter as the response of the Tribal Alliance for Sovereignty to your attached inquiry. We apologize for this late response.

Your letter references 2 U.S.C. §431(4) regarding the definition of political committees for the purpose of receiving or making expenditures in excess of \$1,000.00 during a calendar year. The letter also makes reference to U.S.C. §5441a(a)(1)(C) regarding (2)(C) contributions in excess of the sum of \$5,000.00 in a calendar year. Please be advised that the Schedule A attached to your letter which discloses the total sum of \$25,000.00 contributed to the Five Civilized Tribes Political Action Committee during the calendar year of 1996 is accurate. We do however respectfully disagree with your interpretation of the statutes cited.

The Tribal Alliance for Sovereignty is an informal association of the leaders of the Five Civilized Tribes located in Oklahoma. They are associated in their representative capacities for the Cherokee, Choctaw, Chickasaw, Creek and Seminole Nations. The purpose of the association is to promote tribal sovereignty through public awareness and perception. It is not now nor was it ever intended to be a political action committee as defined by federal law.

No where in the statutes cited by you does Congress declare the limitations as being applicable to contributions made by Indian tribes to political action committees. The members of the Alliance believe that before those contribution statutes can be read to include American Indian tribes, Congress must state so explicitly. For example, in the case of E.E.O.C. v. Cherokee Nation, 871 F.2d 937, (10th Cir. 1989) the Court held that the extremely broad provisions of the Age Discrimination in Employment Act did not cover Indian tribes. The Court's holding turned upon the fact that

Congress had not explicitly worded the act to include Indian tribes and to do so would interfere with the treaty protected right of the Cherokee Nation to self-government.

The Alliance members stand ready to discuss these issues with the Federal Election Commission. The registration of the Five Civilized Tribes Political Action Committee was undertaken in an effort to cooperate. However, it is not believed that it would be necessary for any American Indian tribe to form a political action committee and thereby register with this Commission regarding contributions made to other political action committees or to candidates for political office. As such, the Alliance does not believe that it is an organization which is considered a political committee as defined by federal law nor was it the intent of Congress to regulate an entity such as the Alliance when the same is made up solely of American Indian tribes.

If you have any questions, please advise.

Sincerely,

WILCOXEN, WILCOXEN & PRIMOMO



James G. Wilcoxen

JGW:bs

Attachment

cc: Chief Joe Byrd
Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465

Governor Bill Anoatubby
The Chickasaw Nation
Box 1548
Ada, OK 74820

Chief Jerry Haney
Seminole Nation
P.O. Box 1498
Wewoka, OK 74884

Perry R. Beaver
Creek Nation
P.O. Box 580
Okmulgee, OK 74447

Chief Greg Pyle
Choctaw Nation
P.O. Drawer 12100
Durant, OK 74701

Wilcoxon, Wilcoxon & Primomo

Attorneys at Law
112 North Fifth Street
P.O. Box 337
Muskogee, Oklahoma 74402-0357

Andrew Wilcoxon (1918-1983)
James G. Wilcoxon
Andrew C. (Drew) Wilcoxon
Gene V. Primomo

Attachment #12

Page 1 of 2

RECEIVED
FEDERAL ELECTION
COMMISSION MAIL ROOM

AUG 4 12 24 PM '97
Area Code 918
Telephone 683-6696
Fax 682-8605

July 30, 1997

Mr. J.P. Andre'
Reports Analyst
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

Re: Five Civilized Tribes Action Committee

Dear Mr. Andre':

This letter is in response to your letter of May 28, 1997. You inquire as to the source of cash on hand at time of registration. Please find attached Schedule A disclosing the \$3,000.00 cash on hand at time of filing. It is believed this money is an aggregate sum of smaller individual contributions. In any event we are attempting to verify same.

You next inquire about providing totals for Line 11(d) in Column A of the Detail Summary Page. Those totals have now been provided. We are filing an amended report to reflect these changes.

Your next concern is that this report discloses activity outside of the reporting period. Please be advised that a separate report has been filed for the period of 11/26/96 through years end. A copy of that report is provided for your consideration.

You inquire about contributions from an organization which is not a political committee registered with the Commission. I presume you are referring to the Tribal Alliance for Sovereignty. Our position regarding the Tribal Alliance has been addressed under separate letter of this date. Again, we do not believe that the regulations to which you refer intend to regulate American Indian tribes.

Your next concern again addresses contribution limitations and whether or not this Committee engaged in both federal and non-

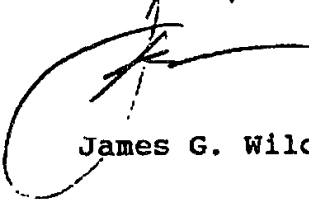
federal activity. Please be advised that separate federal and non-federal accounts were maintained for contributions to federal and state political offices pursuant to your regulations.

You address the need to make a transfer out or refund of amounts in excess of \$5,000.00. My review of the records of this Committee reveals that no contributions were made to federal political candidates in excess of the applicable limits. You also inquire about the \$1,000.00 per contribution limitation regarding federal candidates for office unless the committee qualifies for multi-candidate status. While no attempt has been made to qualify this committee for multi-candidate status, it is not believed that there were any federal contributions in excess of limitations.

Your last concern addresses \$10,000.00 in disbursements which you wish classified. We believe that the disbursements have been disclosed on the report. We believe that all the disbursements have been categorized. However, if you need further information, please advise.

Sincerely,

WILCOXEN, WILCOXEN & PRIMOMO



James G. Wilcoxen

JGW:bs

Enclosures



FEDERAL ELECTION COMMISSION
Washington, DC 20463

August 17, 1998

Jerry Haney, Treasurer
Five Civilized Tribes Political
Action Committee
P.O. Box 948
Tahlequah, OK 74465

Dear Mr. Haney:

On August 3, 1998, the Federal Election Commission ("Commission") received a termination report, dated July 27, 1998, from Five Civilized Tribes Political Action Committee ("Committee") pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. The Reports Analysis Division has referred the Committee to the Office of General Counsel for possible enforcement action. Therefore, your termination request has been denied.

The Committee must continue to file all the required reports with the Commission until this matter has been resolved. The Commission will notify you when your request to terminate has been granted and the Committee is no longer required to file reports with the Commission. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Thomas J. Andersen".

Thomas J. Andersen
Attorney

cc: Reports Analysis Division